

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

JACOB WARD,)	
)	Case No. 2:18-cv-89
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Clifton L. Corker
MING DYNASTY, LLC, MING D.)	
ZHAO, and LEI ZHAO,)	
)	
<i>Defendants.</i>)	

ORDER

On September 21, 2018, Plaintiff filed motions for default judgment pursuant to Federal Rule of Civil Procedure 55. (Docs. 13, 14, 16.) On September 24, 2018, Defendants filed a motion to set aside default. (Doc. 17.) On November 7, 2018, Magistrate Judge Clifton L. Corker issued a report and recommendation, recommending that: (1) Plaintiff’s motions for default judgment (Docs. 13, 14, 16) be denied; (2) Defendants’ motion to set aside default (Doc. 17) be granted; (3) the Court direct the Clerk to vacate the entry of default against Defendants; and (4) the Court order Defendants to file a responsive pleading within ten days of the Court’s order. (Doc. 22.) Neither party has filed any objections to Magistrate Judge Corker’s report and recommendation.¹ Nevertheless, the Court has conducted a review of the report and

¹ Magistrate Judge Corker specifically advised the parties that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive their right to appeal. (Doc. 22, at 6 n.1); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional

recommendation, as well as the record, and it agrees with Magistrate Judge Corker's well-reasoned conclusions. Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Corker's report and recommendation (Doc. 22) and **ORDERS** as follows:

1. Plaintiff's motions for default judgment (Docs. 13, 14, 16) are **DENIED**;
2. Defendants' motion to set aside default (Doc. 17) is **GRANTED**;
3. The Clerk is **DIRECTED** to vacate the entry of default against Defendants (Docs. 10, 11, 12); and
4. Defendants **SHALL** file a responsive pleading within **ten days** of the date of this Order.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

days for service provided by Federal Rule of Civil Procedure 6(d), the period in which the parties could timely file any objections has now expired.